

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**UNITED STATES OF AMERICA,**

**vs.**

**JOSE NAPOLEAN LICONA-SERRANO,  
*Defendant.***

**DOCKET NO. 3:25-CR-38-MOC**

**FACTUAL BASIS**

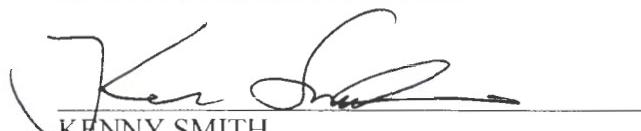
NOW COMES the United States of America, by and through Russ Ferguson, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender, and that the facts set forth in this Factual Basis are sufficient to establish all elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. On or about February 6, 2025, in Mecklenburg County, within the Western District of North Carolina and elsewhere, defendant Jose Napoleon Licona-Serrano, being an alien, while an order of exclusion, deportation or removal was outstanding, knowingly and unlawfully did and attempted to enter and was found in the United States without the express and advance consent of the Attorney General or Homeland Security Secretary, and this occurred after he had been deported and removed from the United States, in violation of Title 8, United States Code, Section 1326(a).

RUSS FERGUSON  
UNITED STATES ATTORNEY



KENNY SMITH  
ASSISTANT UNITED STATES ATTORNEY

**Defendant's Counsel's Signature and Acknowledgment**

I have read this Factual Basis and the Bill of Indictment in this case, and have discussed them with the Defendant. Based on those discussions, I am satisfied that the Defendant understands the Factual Basis



John Parke Davis, Esq., Attorney for Defendant

DATED: 3/14/2025